United Nations A/HRC/28/NGO/101

General Assembly

Distr.: General
24 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03448 (E)
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The right of children to be protected from all forms of online sexual exploitation

I. Introduction

1. ECPAT International appreciates the opportunity to make a written statement to the UN Human Rights Council under Agenda Item 3 during its 28th session in March 2015. ECPAT welcomes the recent report of the UN Special Rapporteur on the sale of children, child prostitution and child pornography[1] and the Annual Report of the Special Representative of the Secretary-General on Violence against Children Report.[2] ECPAT urges the Human Rights Council to endorse the recommendations of the Special Rapporteur and take forward the 'multi-faceted digital agenda' proposed by United Special Representative to the Secretary-General.

2. As more children gain access to the Internet and information communication technologies develop, it cannot be disputed that an increasing number of children are also becoming victims of online sexual exploitation.[3] ECPAT recognizes that there must be effective and robust safety programmes to protect children from online risks: 'a safe and empowering digital agenda' will strike the right balance between children's ability to benefit from the Internet and online safety.[4] ECPAT welcomes all such initiatives as an important contribution to the protection of online children.

3. To effectively combat online sexual exploitation of children, however, States cannot and should not rely on child online safety strategies alone: there must be a specific set of measures that addresses the complex and evolving nature of child sexual exploitation online. Rapidly developing technologies have and continue to enable Internet users to engage in sexual abuse of children with relative impunity. Priority must be given to protecting all children – connected and unconnected – from sexual abuse online.

II. Children at highest risk are often 'unconnected' with little or no access to ICTs

4. Most child online safety programmes target the child who is connected to the Internet, assuming that children online will be at highest risk of violence as a result of their interpersonal interactions or at-risk behavior.

5. In fact, many of the children who are at highest risk of being subjected to sexual exploitation online are not connected to the Internet. Children at highest risk are often those who do not even have access to the information communication technologies that are enabling their abuse. Such children live in remote rural communities, in shelters, on-the-street or are part of under-privileged or marginalized communities. It is the circumstances of the child, not their connectivity, which places them at-risk of being subjected to sexual exploitation.

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[1] UN Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio, 'Report of the Special Rapporteur on the same of children, child prostitution and child pornography, UN Doc. A/HRC/28/56, 22 December 2014, para 85 – 89 ('UNSR Report').

[2] United Nations Special Representative to the Secretary-General, 'Annual Report of the Special Representative of the Secretary-General on Violence against Children,' UN Doc. A/HCR/28/5, 30 December 2014, para 83-117 ('UNSRSG Report').

[3] UNSRSG Report, para 47-48.

[4] UNSRSG Report, para 50.

6. More than 50 per cent of children continue to have no access to the Internet or other ICTs. According to the International Telecommunications Union (ITU), at the end of 2014, Internet usage had only reached 40 per cent globally, leaving 60 per cent of the world's population with no access. Among those unconnected, more than 90 per cent live in developing countries. In Africa alone, 80 per cent of the population does not have Internet access. It is estimated that 78 per cent of those connected are based in developed countries.[5]

7. Child online safety programmes do not reach these 'unconnected' children, often overlooking them as at-risk populations. Moreover, because much of the online safety programming is concentrated on connected children, most of these programmes are focused in developed countries where the majority of online-children live. Failing to reach out to unconnected populations means the children at highest risk of online sexual exploitation are left with little or no protection.

III. Often, first contact is not made online

8. In many cases, first contact by a perpetrator is not made online. The Inter-American Children's Institute (IIN), a specialized entity of the Organization of American States, revealed that in Costa Rica and El Salvador many online sexual perpetrators initiated first contact through public advertisements for models on television. In Guatemala, the Ombudsman office noted that in several cases involving the production of child sexual abuse materials, victims had been first recruited as masseurs and masseuses through ads in local newspapers. The ECPAT Dominican Republic member, MAIS, reported that children were often recruited in schools to produce sexual abuse materials.[6] In the Philippines, where live streaming of sexual abuse of children has enabled perpetrators to view abuse online in real time, child victims have often been recruited by a family member or an intermediary either adult or peer offline.[7]

9. Thus, the likelihood of a child being subjected to sexual exploitation online is not necessarily correlated with connectivity to Internet. A protection strategy must target children based on their likelihood of being subjected to sexual exploitation or abuse online – not their connectivity. To the perpetrators of sexual exploitation, all children are a commodity for potential abuse

IV. The evolving nature of sexual exploitation of children online

10. The criminal offence of child sexual exploitation online is rapidly mutating and evolving. Originally confined to the production, dissemination and possession of child abuse images (e.g. photographs and videos) it now includes other mediums such as live streaming of child sexual abuse, and other modalities such as 'sextortion'.[8]

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[5] Internet Telecommunication Union, 'The World in 2014, ICT fact and figures,' 2014. Last accessed: 10 February 2014 , <http://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2014-e.pdf>

[6] "The Commercial Sexual Exploitation of Children in Latin America. Developments, progress, challenges and recommended strategies for civil society." ECPAT International. Bangkok. November 2014. Last accessed: 11 February 2015, <http://ecpat.net/sites/default/files/Regional%20CSEC%20Overview_Latin%20America%20%28English%29.pdf>

[7] "Webcam Child Sex Tourism – Becoming Sweetie: a novel approach to stopping the global rise of Webcam Child Sex Tourism", Terre des Hommes Netherlands, November 2013. Last accessed: 10 February 2015, <http://www.terredeshommes.org/wp-content/uploads/2013/11/Webcam-child-sex-tourism-terre-des-hommes-NL-nov-2013.pdf>

[8] "Sextortion is often defined as sexual blackmail in which sexual information or images are used to extort sexual favours and/or moneyfrom the victim". Interpol, 'Interpol-coordinated operation strikes back at 'sextortion' networks', 2 May 2014. Last accessed: 16 February 2015, <http://www.interpol.int/News-and-media/News/2014/N2014-075>

11. To effectively investigate and successfully prosecute child sexual exploitation online, law enforcement agencies must understand perpetrators' behavior not only to secure evidence of the alleged crime, but also to locate and rescue victims. It is equally important that States have mechanisms in place to monitor how perpetrators are adapting technology to enable the production, dissemination and possession of online sexual abuse materials.

12. Many child online safety programmes focus on understanding children's behaviour online, in order to tailor a programme that maximizes their safety. While this is important, without more emphasis on understanding the evolving modalities of sexual exploitation online and indeed predators' changing *modus operandi*, perpetrators will continue to evade detection, investigation and prosecution for these crimes.

V. Access to justice, remedies and reparations for child victims

13. As noted above, the emphasis of child online safety programmes has largely centered around mitigating risk.[9] While this is important, child victims of sexual exploitation also require access to justice, remedies and reparations. A child who has been subjected to sexual exploitation online is a victim of a rights violation and entitled to remedy and reparations under international law. This requires a targeted response from the State not only in the justice system but also in providing specific services and programmes to enable child victims to recover from their trauma and rebuild their lives. A strategy that focuses on mitigating online risks fails to recognize the specific needs of child victims in accessing justice, remedy and reparations.

VI. ECPAT International's call for action

14. ECPAT International respectfully calls on the Human Rights Council to monitor the complex and rapidly evolving human rights situation of online sexual exploitation of children. ECPAT further calls on the Council to endorse and take action on the well-considered recommendations of the UN Special Rapporteur on sale of children, child prostitution and child pornography in her report to the Council[10] as well as to take forward the 'multi-faceted agenda' proposed by the UN Special Representative to the Secretary General on Violence against Children.[11]

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[9] UNSRSG Report, para 83 - 117.
[10] UNSR Report, para 85 – 89.
[11] UNSRSG Report, para 83 – 117.